

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: NATIONAL COLLEGIATE ATHLETIC ASSOCIATION STUDENT-ATHLETE CONCUSSION INJURY LITIGATION THIS DOCUMENT RELATES TO:	Case No. 1:13-cv-09116 MDL NO. 2492 Judge John Z. Lee Magistrate Judge Brown
<i>Walton, et al.</i> v. National College Athletic Assoc.	Case No. 1:13-cv-02904

**WALTON PLAINTIFFS' JOINDER OF WALKER AND MORGAN PLAINTIFFS'
MOTION TO TEMPORARILY ENJOIN THE ONGOING ARRINGTON
MEDICAL MONITORING CLASS SETTLEMENT NEGOTIATIONS WITH
DEFENDANT NCAA**

Pursuant to Rule 23(a)(4) of the Federal Rules of Civil Procedure, Plaintiffs in the case of *Walton, et al. v. NCAA*, 1:13-cv-02904, consolidated before this Court as part of Case No. 1:13-cv-09116 and MDL No. 2492, wish to join in, and support, the motion filed by the *Walker* and *Morgan* Plaintiffs on January 31, 2014 (Dkt. # 5) and respectfully request that this Court temporarily enjoin the ongoing medical monitoring class settlement negotiations between Plaintiffs in *Arrington, et al. v. NCAA*, 1:11-cv-06356 (N.D. Ill.) and Defendant NCAA.

Walton class representatives John Walton and William Clark Stevenson are excluded from the Arrington medical monitoring class definition because (1) they played college football prior to 2004 and (2) they played college football in two of the 32 states

excluded by the *Arrington* medical monitoring class definition. Class representative John Walton played college football in 1981 at Saginaw Valley State University in Michigan; class representative William Clark Stevenson played college football from 1987 to 1989 at Memphis State University in Tennessee.

Walton Plaintiffs seek modification of the ongoing medical monitoring class settlement negotiations to ensure that any negotiations are structured to fairly and adequately, and independently, represent the interests of former NCAA football players who played before 2004 and former NCAA football players who played in 32 states (all states *not* listed in the *Arrington* medical monitoring class certification motion (*Arrington*, Dkt. # 175 at p. 20)). *Arrington* counsel has taken the position in numerous federal court pleadings that the medical monitoring claims of former players who played before 2004 and former players from the 32 states not included from the *Arrington* medical monitoring class definition lack merit. Thus, *Arrington* counsel has a manifest intra-class conflict with these class members and cannot vigorously and independently represent their interests in settlement negotiations, as is required by Rule 23.

To avoid redundancy with previously filed motions, *Walton* Plaintiffs are respectfully incorporating by reference the pending Motion to Temporarily Enjoin the Ongoing *Arrington* Medical Monitoring Class Settlement Negotiations With Defendant NCAA previously filed by the *Walker and Morgan* Plaintiffs in the consolidated case, Case No. 1:31-cv-09116 (Dkt. # 5, 6, and 6-1). *Walton* Plaintiffs respectfully incorporate as though fully set forth herein the motion and memorandum in support because *Walton* Plaintiffs are similarly situated as plaintiffs in the *Walker* and *Morgan* cases.

For all of the foregoing reasons, the *Walton* Plaintiffs join in the motion filed by the *Walker* and *Morgan* Plaintiffs on January 31, 2014 (Dkt. # 5) and respectfully request that this Court temporarily enjoin the *Arrington* medical monitoring class settlement negotiations, and provide structural assurances of fair representation for former players before 2004 and former players from 32 states.

Date: February 11, 2014

Respectfully Submitted,

/s/ Gerald F. Easter

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 11th day of February, 2014, a true and correct copy of the above and foregoing was served by electronic mail upon all attorneys of record.

/s/ Gerald F. Easter